REMARKS

Claims 1, 3-8, 10-48 and 50-57 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 102(e) Rejection:

The Examiner rejected claims 1, 3-7, 11, 13-26, 29, 31-48, 51 and 53-57 under 35 U.S.C. § 102(e) as being anticipated by Ballantyne et al. (U.S. Patent 6,687,873) (hereinafter "Ballantyne"). Applicants respectfully traverse this rejection for at least the reasons presented below.

Regarding claim 1, contrary to the Examiner's assertion, Ballantyne fails to disclose <u>a service</u> in a distributed computing environment <u>generating results data for a client</u> in the distributed computing environment; and <u>accessing a presentation schema</u> in the distributed computing environment, wherein the presentation schema includes information for presenting results data for clients, and wherein <u>the presentation schema is provided by the same service in the distributed computing environment that generated the results data for the client</u>.

Ballantyne discloses a system that modifies and recompiles legacy program applications to output data in XML format. Ballantyne's system includes a code generation system that allows analysis of legacy program applications and generation of modified legacy program applications. After modification, the legacy applications are able to directly output syntactically correct XML data. (see, Ballantyne, column 6, lines 15-26). Ballantyne's system is concerned with analyzing and modifying legacy applications to output XML data. Thus, a legacy application is first analyzed to determine where data are outputted and then the legacy application is modified to output XML formatted data in place of, or in addition to, the originally outputted data.

It is well established that anticipation <u>requires</u> the presence in a single prior art reference disclosure of <u>each and every element</u> of the claimed invention, <u>arranged as in the claim</u>. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The <u>identical</u> invention must be shown <u>in as complete detail</u> as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As discussed in more detail below, Ballantyne clearly does not disclose the <u>identical</u> invention including each and every element as recited Applicants' claim 1.

The Examiner has failed to show any portion of Ballantyne that describes a particular *service* that both generates results data for a client <u>and</u> provides a presentation schema that includes information for presenting the results data. In the Response to Arguments section of the Final Office Action dated November 29, 2005, the Examiner asserts that Ballantyne's modified legacy applications generate results data (see, Final Office Action, page 10, line 15 – page 11, line 9). However, the Examiner fails to cite any portion of Ballantyne that can be considered a single service that both generates results data for a client and that provides a presentation schema including information for presenting the results data. Ballantyne's modified legacy applications are clearly not one service that both generates results data for a client and that provides a presentation schema including information for presenting the results data.

Moreover, the Examiner has failed to consider Applicants' argument that is it Ballantyne's modeling engine 28 that provides the schema by allowing programmers to create the schema. In contrast, Applicants' claim recites that the *same service* that generates the results data also provides the schema. Since Ballantyne's modeling engine does not generate results data (nor does the Examiner argue that it does), Ballantyne fails to teach a service that both generates the results data and provides the presentation schema.

The Examiner incorrectly states, "Applicant argues Ballantyne does not provide a presentation schema that includes information for presenting results data for clients in a

computing environment" (Final Action, dated November 29, 2005, page 11, lines 9-12). The Examiner has misunderstood Applicants' previous argument. As noted above, Applicants are arguing, and have previously argued, that Ballantyne does not teach a service that both generates the results data for a client and provides the presentation schema. Applicants' previous discussion (see, Applicants' response dated August 18, 2005) regarding Ballantyne's modeling engine not generating results data was illustrating that neither Ballantyne's modeling engine nor his modified legacy applications can be considered the service of Applicants' claim.

The Examiner's rejection relies on various individual pieces of Ballantyne's system that, when properly considered against all the limitations of Applicants' claim, **fail to teach the combination of limitations of Applicants' claim** (e.g. a service that both generates results data for a client <u>and</u> provides a presentation schema that includes information for presenting results data for clients).

The Examiner argues that Ballantyne's modified legacy applications generate the results data and present the results data in accordance with information from a presentation schema. The Examiner refers to the generation of invoice information, for example. In order to anticipate Applicants' claim, the modified legacy applications, which the Examiner argues generates the results data, must also provide the presentation schema. However, this is clearly not the case in Ballantyne's system. The Examiner relies upon the presentation schema provided by the modeling engine, which does not generate results data and is completely distinct from the modified applications upon which the Examiner relies to generate the results data. Thus, Ballantyne clearly fails to anticipate claim 1.

For at least the reasons presented above, the rejection of claim 1 is clearly not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar arguments apply in regard to independent claims 24, 42, 46 and 48.

Regarding claim 3, Ballantyne fails to disclose wherein generating the results data is performed in response to the client sending a request message in a data representation language to the service, wherein the request message requests the service to perform a function on behalf of the client and wherein the function generates the results data when performed by the service. The Examiner cites columns 17-18 of Ballantyne, which (as described above regarding claim 1) describe various benefits to modifying legacy applications to output XML formatted data. However, the cited passage does not teach that the modified applications generate results data, such as the billing statements or invoices mentioned by the Examiner, in response to a client sending a request message in a data representation language to the service (e.g. the same service that both generates the results data and provides the presentation schema).

Ballantyne discusses that the XML output from modified applications may be stored in a database for later retrieval or for integration into other applications. (see, Ballantyne, column 17, lines 15-24; 33-36; and line 65 – column 18, line 2). The Examiner argues that a "user may request billing statements or invoices." However, the Examiner has misrepresented the teachings of Ballantyne. Ballantyne teaches, "individual telephone customers could receive their telephone bill by e-mail containing a web link to a site that provides the individual's bill detail" (Ballantyne, column 17, lines 50-52). Sending a bill to a customer in an email is very different from a service generating results data in response to receiving a request from a client in a data representation language.

In the Response to Argument section of the latest Office Action, the Examiner responds to the above argument by asserting, "receiving a telephone bill from a telephone provider via a web link involves a service (i.e. telephone provider) generating results data (i.e. bill)" and further arguing, "[c]licking on a web link is sending a request to the server" (Final Action, dated November 29, 2005, page 12, lines 2-5). However, the Examiner has failed to consider that claim 3 requires that the generating of results data is performed in response to the client sending a request message to the same service (from claim 1) that both generates the results data and provides the presentation schema. The

web server that would receive a message in response to a user clicking a web link in an email is clearly not the same as the modified legacy applications that the Examiner contends generate the results data and is clearly not the same as the modeling engine which provides the presentation schema relied upon by the Examiner.

Furthermore, Ballantyne teaches that the XML output from modified applications may be stored in a database for later retrieval or for integration into other applications. (see, Ballantyne, column 17, lines 15-24; 33-36; and line 65 – column 18, line 2). Thus, the invoice information sent to the user in response to the user clicking on a web link (the example given by the Examiner) would not be generated by the web server, but instead generated by one of Ballantyne's modified legacy applications, stored in a database, and merely retrieved by a web server. Moreover, since the invoice data would have been generated and stored in the database prior to the web server being able to retrieve it, the results data are clearly not generated in response to a user clicking a web link in an email. Hence, the Examiner interpretation of Ballantyne is erroneous.

Thus, Ballantyne clearly fails to teach wherein generating the results data is performed in response to the client sending a request message in a data representation language to the service, wherein the request message requests the service to perform a function on behalf of the client and wherein the function generates the results data when performed by the service. Thus, for at least the reasons above, the rejection of claim 3 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks also apply to claims 25 and 36.

Regarding claim 4, Ballantyne fails to disclose a client sending a request message in a data representation language to the service, wherein the data representation language is eXtensible Markup Language (XML). The Examiner argues that the "data presentation language used by Ballantyne is XML." However, whether or not Ballantyne uses XML as a data presentation language has no relevance to, nor does it imply, a *client sending a request message in a data representation language.*

Furthermore, claim 4 depends from claim 3 and thus requires that the request message sent by the client to the service, in response to which the service generates the results data, be in XML. In the Response to Arguments section of the latest Action, the Examiner argues, regarding claim 3, that a user clicking on a web link constitutes a client sending a request message to a service, in response to which the service generates the results data (e.g. supplying a telephone invoice to a user, according to the Examiner). However, it is well known that HTML, not XML is used to send a request to a web server, such as when a user clicks on a web link embedded in an email message (the example used by the Examiner). Thus, the rejection of claim 4 is not supported by the prior art and removal thereof is respectfully requested.

Section 103(a) Rejection:

The Examiner rejected claims 8, 10, 27, 28 and 50 under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne. Applicants traverse the rejection of these claims for at least the reasons given above regarding their respective independent claims.

In further regard to claim 8, Ballantyne does not teach or suggest providing a results advertisement for the results data stored on the results space, wherein the results advertisement includes information for enabling access of the results data. The Examiner argues that Ballantyne's modified applications can generate XML data that "may comprise invoice, billing statements, or any other type of report data including advertisement" and that "one of ordinary skill in the art would recognize that an XML schema could be used to describe any number of outputs in XML format includes invoices and advertisements." The Examiner has apparently confused the output of commercial advertisements with providing a results advertisement for the results data, wherein the results advertisement includes information for enabling access of the results data. The Examiner has not cited any portion of Ballantyne that mentions providing an advertisement that includes information for enabling access of the outputted invoices,

billing statements, etc, which the Examiner equates to the results data of Applicants' claims.

The Examiner also argues, "[a]lthough Ballantyne does not state 'advertisements', the term 'report data' could comprise an advertisement" and further asserts, "it would have been obvious to one of ordinary skill in the art at the time of the invention to produce advertisements as 'result data' since and (sic) XML schema can be used to produce XML formatted data." However, whether or not "report data" *could* include an advertisement and whether or not an XML schema *can* be used to produce XML formatted data is irrelevant. It is well established that the "mere fact that references <u>can</u> be modified does not render the resultant combination obvious unless the prior art also <u>suggests the desirability of the modification</u>". M.P.E.P. § 2143.01 paragraph 9; and *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). The Examiner has not provided a proper suggestion or motivation for modifying Ballantyne to include results advertisements. Instead the Examiner only states that Ballantyne's report data *could* include an advertisement and that an XML schema *can* be used to produce XML formatted data, neither of which are proper suggestions or motivations to modify Ballantyne. Also, the Examiner's assertion can only be based in hindsight since no evidence of record teaches or suggests providing a results advertisement for the results data stored on the results space, wherein the results advertisement includes information for enabling access of the results data.

The cited art clearly fails to teach or suggest <u>providing a results advertisement</u> for the results data stored on the results space, wherein the results advertisement includes <u>information for enabling access of the results data</u>. As such, the rejection of claim 8 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks apply to claim 27 as well.

In further regard to claim 10, Ballantyne does not teach or suggest wherein the <u>presentation schema is comprised in a presentation schema advertisement</u> comprised on a

storage device in the distributed computing environment, wherein the storage device is operable to store a plurality of presentation schema advertisements, and wherein <u>said accessing the presentation schema comprises accessing the presentation schema advertisement</u> from the storage device through a space service. The Examiner cites column 17, lines 15-25 where Ballantyne states that outputted XML data, such as internal reports may be stored in a database and thus be available for review electronically. However, the cited passage makes no mention of a presentation schema comprised in a presentation schema advertisement.

The Examiner argues that the term "report data" could comprise an advertisement and that "an XML schema could be used to describe any number of outputs in XML format including invoices and advertisements." Firstly, the Examiner is apparently confusing the generation of commercial advertisements with a presentation schema advertisement that includes a presentation schema. Furthermore, the cited passage does not refer to generating any presentation schema, but instead refers only to generating XML data. Also, as noted above, the Examiner's speculation as to how Ballantyne *could* be modified does not meet the requirements for a *prima facie* case of obviousness.

Moreover, as noted above regarding the rejection of claim 1, Ballantyne's system includes a modeling engine that generates an XML schema, which the Examiner equates to the presentation schema of Applicants' claims, to modify existing legacy application to output XML data. Ballantyne does not describe that his modified applications generate or provide XML schemas, as suggested by the Examiner.

Moreover, Ballantyne makes no mention whatsoever regarding any presentation schema advertisements including presentation schemas. Ballantyne does not describe accessing a presentation schema advertisement when using the XML schema to modify legacy applications. Following the Examiner's argument, the XML schema used to modify a legacy applications would have to be comprised in the output of that modified legacy application. Such an interpretation cannot be correct.

In the Response to Arguments section of the Final Office Action dated November 29, 2005, the Examiner refers to the fact that Ballantyne teaches providing report data to a display device, where a user can then access results data. However, the results data referred to by the Examiner cannot be considered a presentation schema advertisement including a presentation schema. Following the Examiner's reasoning, the report data generated by Ballantyne's applications must be an advertisement including the XML schema generating by Ballantyne's modeling engine, which the Examiner considers the presentation schema of Applicants' claims. The Examiner has plainly ignored the specific limitations recited in claim 10.

Thus, for at least the reasons above, the rejection of claim 10 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks apply to claims 28 and 50 as well.

The Examiner rejected claims 12, 30 and 52 under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne in view of Sravanapudi et al. (U.S. Publication 2001/0049603) (hereinafter "Sravanapudi"). Applicants traverse the rejection of these claims for at least the reasons given above regarding their respective independent claims.

Regarding both the § 102 and § 103 rejections, Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-57700/RCK.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☐ Petition for Extension of Time

☐ Notice of Change of Address

☐ Other:

Respectfully submitted,

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Date: __January 20, 2006__